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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

NOTIFICATION DATE	DELIVERY MODE
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08/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/809,492	Applicant(s) GUIDOTTI ET AL.	
	Examiner MELANIE J. HAND	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-19,22-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-19,22-24,26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed April 7, 2008 with respect to the rejection(s) of claim(s) 1-6, 9-19, 22-24, 26 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Objections

2. Claim 12 is objected to because of the following informalities: the phrase "by spraying acrylic acid monomers are sprayed onto the fibrous layer" appears to contain a typographical error. Appropriate correction is required.

3. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 already recites that the first storage layer is between the acquisition layer and the liquid permeable upper surface.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 recites the limitation "the liquid permeable upper layer" in line 2 continuing to line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 16, 17, 19, 22, 23, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindsay et al (U.S. Patent No. 6,613,955).

With respect to **claim 16**: Lindsay discloses an absorbent article 10 comprising a liquid permeable upper surface defined by topsheet 12 and an absorbent structure in the collective form of central absorbent member 18 and outer absorbent member 20. The article 10, in the longitudinal direction, has a crotch portion defined by the portion of the article where the width is less relative to the ends, and two end portions. The absorbent structure comprises an acquisition layer in the form of lower absorbent layer 38 and at least one first storage layer in the form of upper absorbent layer 36 comprising a superabsorbent material. The first storage layer 36 is located between the acquisition layer 38 and said liquid permeable upper surface and said first storage layer has apertures or recesses throughout the layer and thus necessarily has apertures or recesses in the crotch portion of the absorbent structure. The first storage layer

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36 has a first surface facing the liquid permeable upper surface of the article, and a second surface facing away from the liquid permeable surface of the article. The first storage layer 36 lies between the acquisition layer 38 and the liquid permeable upper surface. (Fig. 1B, Col. 12, lines 43-58)

With respect to **claim 17**: The absorbent core (including first storage layer 36) comprises between 5-90% by weight based upon the combined weight of central absorbent member 18 and outer absorbent member 20 combined. Therefore the weight percentage based upon the first storage layer 36 alone will be greater than 5-90%, which overlaps the claimed range of at least 50 percent by weight of a super absorbent material calculated on the total weight of the first storage layer. Examiner is basing this range upon an assumption of equal distribution throughout the entire core based upon Lindsay's teachings regarding how the superabsorbent is incorporated in Col. 28, lines 49-61. Thus each component will have a superabsorbent weight percentage between 5-90% by weight based upon core weight, or greater than 5-90% based upon total weight of the first storage layer.

With respect to **claim 19**: As can be seen in Fig. 1B, at least one aperture or recess is formed by crease lines 52 extend through an entire thickness of the first storage layer. (Col. 12, lines 48-54)

With respect to **claim 22**: The absorbent structure 10 disclosed by Lindsay further comprises a second storage layer in the form of outer absorbent member 20 containing a lower amount of super absorbent material calculated on the total weight of the storage layer than the first storage layer 36 inasmuch as the overall basis weight of the outer absorbent member 20 is less than

that of the central member, assuming herein that the superabsorbent material is distributed uniformly. (Col. 22, lines 49-51)

With respect to **claim 23**: The absorbent structure further comprises a second storage layer in the form of outer absorbent member 20 wherein the second storage layer 20 partly encloses the first storage layer 36 as can be seen in Fig. 1B. (Col. 12, lines 54-58)

With respect to **claim 28**: The apertures or recesses are formed by crease lines 52 and are in the form of longitudinal channels considered herein to be adapted to direct liquid in a direction towards the end portions of the absorbent structure. (Col. 12, lines 48-54)

With respect to **claim 29**: The apertures or recesses are creases that form channels, i.e. they are spaces capable of holding liquid before the liquid is absorbed by the first storage layer 36. (Col. 12, lines 48-54)

6. Claims 16, 17, 19, 22, 23, 28 and 29 are rejected under 35 U.S.C. 102(a) as being anticipated by Lindsay et al ('955).

With respect to **claim 16**: Lindsay discloses an absorbent article 10 comprising a liquid permeable upper surface defined by topsheet 12 and an absorbent structure in the collective form of central absorbent member 18 and outer absorbent member 20. The article 10, in the longitudinal direction, has a crotch portion defined by the portion of the article where the width is less relative to the ends, and two end portions. The absorbent structure comprises an acquisition layer in the form of lower absorbent layer 38 and at least one first storage layer in

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the form of upper absorbent layer 36 comprising a superabsorbent material. The first storage layer 36 is located between the acquisition layer 38 and said liquid permeable upper surface and said first storage layer has apertures or recesses throughout the layer and thus necessarily has apertures or recesses in the crotch portion of the absorbent structure. The first storage layer 36 has a first surface facing the liquid permeable upper surface of the article, and a second surface facing away from the liquid permeable surface of the article. The first storage layer 36 lies between the acquisition layer 38 and the liquid permeable upper surface. (Fig. 1B, Col. 12, lines 43-58)

With respect to **claim 17**: The absorbent core (including first storage layer 36) comprises between 5-90% by weight based upon the combined weight of central absorbent member 18 and outer absorbent member 20 combined. Therefore the weight percentage based upon the first storage layer 36 alone will be greater than 5-90%, which overlaps the claimed range of at least 50 percent by weight of a super absorbent material calculated on the total weight of the first storage layer. Examiner is basing this range upon an assumption of equal distribution throughout the entire core based upon Lindsay's teachings regarding how the superabsorbent is incorporated in Col. 28, lines 49-61. Thus each component will have a superabsorbent weight percentage between 5-90% by weight based upon core weight, or greater than 5-90% based upon total weight of the first storage layer.

With respect to **claim 19**: As can be seen in Fig. 1B, at least one aperture or recess is formed by crease lines 52 extend through an entire thickness of the first storage layer. (Col. 12, lines 48-54)

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With respect to **claim 22**: The absorbent structure 10 disclosed by Lindsay further comprises a second storage layer in the form of outer absorbent member 20 containing a lower amount of super absorbent material calculated on the total weight of the storage layer than the first storage layer 36 inasmuch as the overall basis weight of the outer absorbent member 20 is less than that of the central member, assuming herein that the superabsorbent material is distributed uniformly. (Col. 22, lines 49-51)

With respect to **claim 23**: The absorbent structure further comprises a second storage layer in the form of outer absorbent member 20 wherein the second storage layer 20 partly encloses the first storage layer 36 as can be seen in Fig. 1B. (Col. 12, lines 54-58)

With respect to **claim 28**: The apertures or recesses are formed by crease lines 52 and are in the form of longitudinal channels considered herein to be adapted to direct liquid in a direction towards the end portions of the absorbent structure. (Col. 12, lines 48-54)

With respect to **claim 29**: The apertures or recesses are creases that form channels, i.e. they are spaces capable of holding liquid before the liquid is absorbed by the first storage layer 36. (Col. 12, lines 48-54)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6, 11, 14, 15, 18, 24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay et al ('955).

With respect to **claim 1**: Lindsay discloses an absorbent article 10 comprising a liquid permeable upper surface defined by topsheet 12 and an absorbent structure in the collective form of central absorbent member 18 and outer absorbent member 20. The article 10 in the longitudinal direction has a crotch portion, defined by the thinner portion of the article, and two end portions. (Fig. 1A) The absorbent structure 18 comprises an acquisition layer in the form of lower absorbent layer 38 and at least one first storage layer in the form of upper absorbent layer 36. The absorbent core (including first storage layer 36) comprises between 5-90% by weight based upon the combined weight of central absorbent member 18 and outer absorbent member 20 combined. Therefore the weight percentage based upon the first storage layer 36 alone will be greater than 5-90%, which overlaps the claimed range of at least 50 percent by weight of a super absorbent material calculated on the total weight of the first storage layer. Examiner is basing this range upon an assumption of equal distribution throughout the entire core based upon Lindsay's teachings regarding how the superabsorbent is incorporated in Col. 28, lines 49-

61. Thus each component will have a superabsorbent weight percentage between 5-90% by weight based upon core weight, or greater than 5-90% based upon total weight of the first storage layer. The first storage layer has apertures (e.g. slits) or recesses (e.g. pleats) throughout the length of the layer (Col. 23, lines 58-60), and thus necessarily has apertures or recesses in the crotch portion of the absorbent structure. As can be seen in Fig. 1B, the first storage layer 36 has a first surface facing the liquid permeable upper surface of the article defined by topsheet 12, and a second surface facing away from the liquid permeable surface of the article, wherein the first storage layer lies between the acquisition layer 38 and the liquid permeable upper surface.

Lindsay discloses that the first storage layer 36 in a dry condition has a density of less than 0.15 g/cc. (Col. 24, lines 50-52) which does not fall within the claimed range of a density exceeding 0.4 g/cm³. However Lindsay fairly suggests a first storage layer having a density exceeding 0.4 g/cc by disclosing that the central absorbent member (layers 36 and 38 together) have a combined basis weight of 10-2500 grams per square meter (gsm) (Col. 24, lines 52-58) and a thickness of no more than 2-15 mm (Col. 23, lines 37-39), wherein the central absorbent member 18 occupies substantially all of the thickness of the article as can be seen in at least Fig. 1B. This basis weight range and thickness range yields a range for density of the central absorbent member 18 of 0.007 g/cc – 12.5 g/cc. Further, Lindsay discloses that the basis weight, which is altered by superabsorbent content, can be adjusted and optimized for particular purposes over a wide range. Thus, it would be obvious to one of ordinary skill in the art to modify the central absorbent member such that the first storage layer alone has a density within the range implied by Lindsay to provide a core with a uniform predictable composition throughout to ensure proper performance of the absorbent structure.

With respect to **claim 2**: The first storage layer fairly suggested by Lindsay has a density of 0.007 – 12.5 g/cc which overlaps and renders obvious the claimed range of a density exceeding 0.5 g/cm³. The motivation to modify the article of Lindsay such that the density is uniform throughout to yield a first storage layer with a density within the claimed range is stated *supra* with respect to claim 1.

With respect to **claim 3**: The first storage layer comprises a greater percentage by weight of superabsorbent than that disclosed for the whole of the central absorbent member, i.e. greater than between 5-90%, which overlaps and renders obvious the claimed range of at least 70 percent by weight of a super absorbent material calculated on the total weight of the first storage layer. As stated with respect to claim 1, examiner is assuming a uniform distribution of superabsorbent material throughout the two layers 36 and 38 of the central absorbent member 18 based upon Lindsay's teachings as to how the superabsorbent is incorporated.

With respect to **claim 4**: As can be seen in Fig. 1B, at least one aperture or recess is formed by crease lines 52 extend through an entire thickness of the first storage layer. (Col. 12, lines 48-54)

With respect to **claim 5**: The apertures or recesses extend along the longitudinal direction of the absorbent structure, wherein the apertures or recesses comprise longitudinal channels in the form of creases. (Col. 12, lines 48-54)

With respect to **claim 6**: The central absorbent member, and thus the first storage layer, has a width maximum of 100% of the width of the article. In the crotch region the width of the article is

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about 20 mm or greater. Since the first storage layer is not continuous, there is no one piece of material between the apertures or recesses that is equal to the maximum width of the first storage layer or central absorbent member. Thus, the material between the apertures or recesses in the crotch portion of the first storage layer necessarily exhibits a width that is maximally 20 mm. (Fig. 1B, Col. 24, lines 19-26)

With respect to **claim 11**: Lindsay teaches that the article exhibits a bend stiffness of less than 1,500 grams. Since the article is limited in its bend stiffness by the stiffest element of the article and the stiffest element is not the foam, the foam material necessarily exhibits a bend stiffness equal to or less than Gurley stiffness value lower than 1000 mg. As to the limitation “a Gurley stiffness value”, The test method recited in the claim *per se* does not substantially affect the value of a specific parameter, which is a characteristic of the material and depends on the structure and make up of a material, but not on the method of its determination. Since the test method does not essentially affect the weakening element structure or the absorbent structure during testing, the test method bears little patentable weight because any test method will yield substantially identical results, and thus the test method used cannot be the basis for patentability over the prior art. The first storage layer fairly suggested by Lindsay has a density in a dry condition of 0.007 – 12.5 g/cc which overlaps and renders obvious the claimed range of a density exceeding 0.5 g/cm³. The motivation to modify the article of Lindsay such that the density is uniform throughout to yield a first storage layer with a density within the claimed range is stated *supra* with respect to claim 1.

With respect to **claim 14**: The absorbent structure 10 disclosed by Lindsay further comprises a second storage layer in the form of outer absorbent member 20 containing a lower amount of

super absorbent material calculated on the total weight of the storage layer than the first storage layer 36 inasmuch as the overall basis weight of the outer absorbent member 20 is less than that of the central member, assuming herein that the superabsorbent material is distributed uniformly. (Col. 22, lines 49-51)

With respect to **claim 15**: The absorbent structure further comprises a second storage layer 20 and wherein the second storage layer 20 partly encloses the first storage layer 36 as can be seen in Fig. 1B. (Col. 12, lines 54-58)

With respect to **claim 18**: Lindsay discloses that the first storage layer 36 in a dry condition has a density of less than 0.15 g/cc. (Col. 24, lines 50-52) which does not fall within the claimed range of a density exceeding 0.4 g/cm³. However Lindsay fairly suggests a first storage layer having a density exceeding 0.4 g/cc by disclosing that the central absorbent member (layers 36 and 38 together) have a combined basis weight of 10-2500 grams per square meter (gsm) ((Col. 24, lines 52-58) and a thickness of no more than 2-15 mm (Col. 23, lines 37-39), wherein the central absorbent member 18 occupies substantially all of the thickness of the article as can be seen in at least Fig. 1B. This basis weight range and thickness range yields a range for density of the central absorbent member 18 of 0.007 g/cc – 12.5 g/cc. Further, Lindsay discloses that the basis weight, which is altered by superabsorbent content, can be adjusted and optimized for particular purposes over a wide range. Thus it would be obvious to one of ordinary skill in the art to modify the central absorbent member such that the first storage layer alone has a density within the range implied by Lindsay to provide a core with a uniform predictable composition throughout to ensure proper performance of the absorbent structure.

With respect to **claim 24**: The first storage layer 36 is located between the acquisition layer 38 and said liquid permeable upper surface defined by a liquid permeable upper layer 12. (Fig. 1B)

With respect to **claim 26**: The apertures or recesses are formed by crease lines 52 and are in the form of longitudinal channels considered herein to be adapted to direct liquid in a direction towards the end portions of the absorbent structure. (Col. 12, lines 48-54)

With respect to **claim 27**: The apertures or recesses are creases that form channels, i.e. they are spaces capable of holding liquid before the liquid is absorbed by the first storage layer 36. (Col. 12, lines 48-54)

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay et al ('955) in view of Olsen et al (U.S. Patent No. 5,849,003).

With respect to **claim 9**: The absorbent article 10 comprises a liquid permeable top sheet 12 and discloses that the storage layer has crease lines 52. Lindsay does not teach that the liquid permeable top sheet and the acquisition layer are thermally joined in a hollow space in the first storage layer created by said apertures or recesses. Olsen teaches an absorbent article in which a topsheet is bonded to an underlying acquisition layer (capillary channel bun 44) that functions as a storage layer as in upper absorbent layer 36 of Lindsay, which is in turn bonded to an absorbent core that functions as an acquisition layer as in the lower absorbent 38 of Lindsay. Olsen teaches that the topsheet is bonded at the point of apertures to the capillary fibers of the capillary bun 44. This bonding occurs via hot melt adhesives, thus the topsheet and first storage layer 44 of Olsen are thermally joined to activate the hot melt adhesives in a hollow

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space in the first storage layer 44 created by said capillaries. ('003, Col. 23, lines 3-33) Olsen teaches that this allows fluid to flow more efficiently through the topsheet and first storage layer 44 to the core. Thus it would be obvious to one of ordinary skill in the art to modify the article of Lindsay by thermally joining the topsheet and acquisition layer in a hollow space in the first storage layer 36 created by crease lines (recesses) 52 as taught by Olsen to more efficiently guide fluid into the channels defined by recesses 52 to the absorbent core.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay et al ('955) in view of Berg et al (U.S. Patent No. 5,180,622).

With respect to **claim 10**: Lindsay discloses that the acquisition layer 38 is an absorbent foam material and discloses superabsorbent as a suitable absorbent material but does not disclose a polyacrylate based super absorbent foam material. Berg teaches a polyacrylate foam material used in an absorbent core 41 of a diaper 20. (Fig. 1) (Col. 22, lines 61-65). The absorbent core is comprised of an acquisition zone 56 (Col. 32, lines 35-44) and since the core material is uniform throughout, said acquisition zone 56 is also comprised of polyacrylate foam material. Berg teaches that said foam material is formed by an acrylic acid monomer allowed to polymerize with the aid of an interparticle crosslinking agent sprayed on the acrylic acid monomers. (Col. 7, lines 40-46, Co. 14, lines 28-39) Berg teaches that such a material especially in film form integrated in an absorbent article enhances fluid uptake rate and minimizes gel blocking (Abstract). Therefore, it would obvious to one of ordinary skill in the art to modify the acquisition layer taught by Lindsay so as to be comprised of a polyacrylate foam sheet material as taught by Berg.

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With respect to **claim 12**: Lindsay discloses that the acquisition layer 38 is an absorbent foam material and discloses superabsorbent as a suitable absorbent material but does not disclose a polyacrylate based super absorbent foam material. Berg teaches a polyacrylate foam material used in an absorbent core 41 of a diaper 20. (Fig. 1) ('622, Col. 22, lines 61-65). The absorbent core is comprised of an acquisition zone 56 ('622, Col. 32, lines 35-44) and since the core material is uniform throughout, said acquisition zone 56 is also comprised of polyacrylate foam material. Berg teaches that said foam material is formed by an acrylic acid monomer allowed to polymerize with the aid of an interparticle crosslinking agent sprayed on the acrylic acid monomers. ('622, Col. 7, lines 40-46, Col. 14, lines 28-39) Berg teaches that such a material especially in film form integrated in an absorbent article enhances fluid uptake rate. ('622, Abstract) Therefore, it would be obvious to one of ordinary skill in the art to modify the acquisition layer taught by Lindsay so as to be comprised of a polyacrylate foam sheet material as taught by Berg to enhance fluid uptake rate.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay in view of McBride (U.S. Patent Application Publication No. 2004/0019340).

With respect to **Claim 13**: Lindsay does not teach that the acquisition layer 38 is corona treated. McBride teaches an absorbent article having a topsheet and acquisition layer in which either or both are treated to improve affinity to water and water handling. Therefore, it would be obvious to one of ordinary skill in the art to corona treat the acquisition layer taught by the combined teaching of Lindsay to improve its affinity for water and fluid handling as taught by McBride. ('340, ¶0037)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE J. HAND whose telephone number is (571)272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melanie J Hand/
Examiner, Art Unit 3761